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September 23, 2016

Fouad Dababneh
Enforcement Specialist
U.S. Environmental Protection Agency, Region 5
Superfund Division, Enforcement and Compliance Assurance Branch
Enforcement Services Section 2, SE-5J
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: *Bautsch-Gray Mine Superfund Site*
 Jo Daviess County, Illinois

Dear Mr. Dababneh:

This law firm represents the Estate of Lois Jean Wienen ("Estate"). I am in receipt of your general notice letter of August 31, 2016. That letter states, "EPA has received information that you may be liable under Section 107(a) of CERCLA with respect to the Site, as potentially responsible for the release, or threat of release, of hazardous substances at the Site."

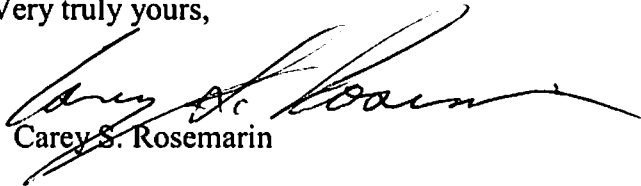
On September 1, 2016, I contacted EPA's attorney, Thomas Turner, and inquired as to the factual basis of the Estate's alleged liability. Mr. Turner advised me that EPA had retained a "mining historian," who had unearthed various records and aerial photographs that established the Estate's nexus to the Site for purposes of Section 107(a). However, Mr. Turner denied my request for access to this material. I respectfully ask EPA to re-consider its position on this critical point.

The Estate is unaware of any facts that could cause the Estate to be a potentially responsible party under Section 107(a). On the other hand, EPA asserts that it possesses such facts, but refuses to disclose them. Under these circumstances, it is patently unreasonable for EPA to demand, as it has in the general notice letter, that the Estate advise EPA of its willingness to conduct an RI/FS for the Site, or reimburse EPA. The same is true of EPA's threat to issue a UAO for such purposes.

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At this time, the Estate does not refuse to perform or finance the activities described in the general notice letter or reimburse EPA. To the contrary, the Estate may ultimately conclude that it will do so to the extent it is able and to the extent that valid evidence supports the Estate's liability. The Estate urges EPA to produce the relevant information so that both parties can productively and efficiently address the issues that must be resolved.

Very truly yours,



Carey S. Rosemarin

cc: Thomas Turner, Esq.
Robert R. Roth, Esq.